

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: Mark Phillips Pitts, Debtor

**Case No. 25-00802-JAW
CHAPTER 13**

NOTICE

Debtor has filed papers with the court to Modify their Chapter 13 Bankruptcy Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to Modify the plan, or if you want the court to consider your views on the Plan, then on or before 30 days, you or your attorney must:

File with the court a written request for a hearing at:

U.S. Bankruptcy Clerk
U.S. Bankruptcy Court
Thad Cochran United States Courthouse
501 E. Court St., Ste 2.300
Jackson, MS 39201

If you mail your request to the court for filing, you must mail it early enough so the court will receive it on or before the date state above.

You must also mail a copy to the debtors' attorney:

The Rollins Law Firm, PLLC
P.O. Box 13767
Jackson, MS 39236
(601) 500-5533

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Plan and may enter an order granting that relief, which shall confirm this Modified Plan.

Date: April 8, 2025

Signature:

/s/ Thomas C. Rollins, Jr.

Thomas C. Rollins, Jr. (MSBN 103469)
Jennifer Ann Curry Calvillo (MSBN 104367)
The Rollins Law Firm, PLLC
P.O. Box 13767
Jackson, MS 39236

Fill in this information to identify your case:

Debtor 1	Mark Phillips Pitts Full Name (First, Middle, Last)
Debtor 2 (Spouse, if filing)	Full Name (First, Middle, Last)
United States Bankruptcy Court for the	SOUTHERN DISTRICT OF MISSISSIPPI
Case number: (If known)	25-00802

Check if this is an amended plan, and list below the sections of the plan that have been changed.

3.2, 3.5

Chapter 13 Plan and Motions for Valuation and Lien Avoidance

12/17

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan

2.1 Length of Plan.

The plan period shall be for a period of 60 months, not to be less than 36 months or less than 60 months for above median income debtor(s). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Debtor(s) will make payments to the trustee as follows:

Debtor shall pay \$2,084.44 (monthly, semi-monthly, weekly, or bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the debtor's employer at the following address:

**7Pitts Trucking
1350 Cherry Grove Rd
Crystal Springs MS 39059-0000**

Debtor Mark Phillips Pitts Case number 25-00802

Joint Debtor shall pay monthly, semi-monthly, weekly, or bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the joint debtor's employer at the following address:

2.3 Income tax returns/refunds.

Check all that apply

Debtor(s) will retain any exempt income tax refunds received during the plan term.

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all non-exempt income tax refunds received during the plan term.

Debtor(s) will treat income refunds as follows:

2.4 Additional payments.

Check one.

None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

Part 3: Treatment of Secured Claims

3.1 Mortgages. (Except mortgages to be crammed down under 11 U.S.C. § 1322(c)(2) and identified in § 3.2 herein.).

Check all that apply.

None. If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.1(a) Principal Residence Mortgages: All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

1 Mtg pmts to Trustmark National
Beginning April 2025 @ \$1,251.79 Plan Direct. Includes escrow Yes No

-NONE- Mtg arrears to _____ Through _____

3.1(b) Non-Principal Residence Mortgages: All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

Property 1 address: 33 QD Smith Ln Silver Creek, MS 39663
Lawrence County

Mtg pmts to Fergus Fcu
Beginning April 2025 @ \$398.17 Plan Direct. Includes escrow Yes No

Property **-NONE-** Mtg arrears to _____ Through _____

3.1(c) Mortgage claims to be paid in full over the plan term: Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor.

Creditor: **-NONE-** Approx. amt. due: _____ Int. Rate*: _____

Property Address: _____

Principal Balance to be paid with interest at the rate above: _____

(as stated in Part 2 of the Mortgage Proof of Claim Attachment)

Portion of claim to be paid without interest: \$ _____

(Equal to Total Debt less Principal Balance)

Special claim for taxes/insurance: \$ _____ **-NONE-** /month, beginning _____ month.
(as stated in Part 4 of the Mortgage Proof of Claim Attachment)

Debtor

Mark Phillips Pitts

Case number

25-00802

* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District
Insert additional claims as needed.

3.2 Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.

None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

Pursuant to Bankruptcy Rule 3012, for purposes of 11 U.S.C. § 506(a) and § 1325(a)(5) and for purposes of determination of the amounts to be distributed to holders of secured claims, debtor(s) hereby move(s) the court to value the collateral described below at the lesser of any value set forth below or any value set forth in the proof of claim. Any objection to valuation shall be filed on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I).

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

Name of creditor	Estimated amount of creditor's total claim #	Collateral	Value of collateral	Amount of secured claim	Interest rate*
NAVY FCU	\$9,390.00	2006 Ford F250 250000 miles	\$5,617.00	\$5,617.00	10.00%

Insert additional claims as needed.

#For mobile homes and real estate identified in § 3.2: Special Claim for taxes/insurance:

Name of creditor	Collateral	Amount per month	Beginning month
-NONE-			

* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District

For vehicles identified in § 3.2: The current mileage is _____

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Motion to avoid lien pursuant to 11 U.S.C. § 522.

Check one.

None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of Creditor	Collateral
Kubota Credit Corp	2024 Kubota lawn mower and 2022 Texas Bragg Trailer
NAVY FCU	2024 Dodge Ram 2500
NAVY FCU	2018 Dodge Ram 3500 190000 miles

Debtor	<u>Mark Phillips Pitts</u>	Case number	<u>25-00802</u>
	Name of Creditor		Collateral
Regional Finance		Household Goods	
Sheffield Financial Co		2022 Big Texas Trailer	
Synchrony		2021 CF Moto 600	
Tower Loan		Household Goods	
USAA Federal		2019 Lincoln Navigator 106500 miles	

Insert additional claims as needed.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case.

4.3 Attorney's fees.

No look fee: 4,000.00

Total attorney fee charged: \$4,000.00

Attorney fee previously paid: \$0.00

Attorney fee to be paid in plan per confirmation order: \$4,000.00

Hourly fee: \$_____. (Subject to approval of Fee Application.)

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations.

None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

The sum of \$

100.00 % of the total amount of these claims, an estimated payment of \$ 102,744.00

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$60,170.16. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.2 Other separately classified nonpriority unsecured claims (special claimants). *Check one.*

None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Debtor

Mark Phillips Pitts

Case number

25-00802**Part 6: Executory Contracts and Unexpired Leases**

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. *Check one.*

None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Assumed items. Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage
Click Lease	2021 Premier 40ft gooseneck trailer	\$313.23	\$0.00	if any exists, to be paid direct by debtor
Russ Darrow Leasing	2016 International 4300	\$1,397.00	\$0.00	if any exists, to be paid direct by debtor

Insert additional contracts or leases as needed.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon entry of discharge.

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

Non-filing co-signer to pay USAA direct for 2019 Lincoln Navigator, Synchrony direct for 2021 CFMoto, Navy FCU direct for the 2018 Ram 3500, Sheffield Financial direct for the 2022 Big Texas Trailer

Part 9: Signatures:**9.1 Signatures of Debtor(s) and Debtor(s)' Attorney**

The Debtor(s) and attorney for the Debtor(s), if any, must sign below. If the Debtor(s) do not have an attorney, the Debtor(s) must provide their complete address and telephone number.

X /s/ Mark Phillips Pitts

Mark Phillips Pitts

Signature of Debtor 1

X

Signature of Debtor 2

Executed on April 8, 2025

Executed on _____

1350 Cherry Grove Rd

Address

Address

Crystal Springs MS 39059-0000

City, State, and Zip Code

City, State, and Zip Code

Telephone Number

Telephone Number

Debtor	Mark Phillips Pitts	Case number	25-00802
X	<u>/s/ Thomas C. Rollins, Jr.</u>	Date	<u>April 8, 2025</u>
	Thomas C. Rollins, Jr. 103469		
	Signature of Attorney for Debtor(s)		
	P.O. Box 13767		
	Jackson, MS 39236		
	Address, City, State, and Zip Code		
	601-500-5533		
	Telephone Number		
	trollins@therollinsfirm.com		
	Email Address		
		103469 MS	
		MS Bar Number	

CERTIFICATE OF SERVICE

I, Thomas C. Rollins, Jr., do hereby certify that a true and correct copy of the above and foregoing Notice and Modified Plan was forwarded on April 8, 2025, to:

By First Class U.S. Mail, Postage Prepaid:

Navy Federal Credit Union
c/o President/CEO
820 Follin Lane SE
Vienna, VA 22180

Navy Federal Credit Union
Attn: Bankruptcy
PO Box 3302
Merrifield VA 22119

By Electronic CM/ECF Notice:

Standing Chapter 13 Case Trustee

U.S. Trustee

/s/ Thomas C. Rollins, Jr.
Thomas C. Rollins, Jr.

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4 UNITED STATES BANKRUPTCY COURT
5 SOUTHERN DISTRICT OF MISSISSIPPI
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78 IN RE:
9 Mark Phillips Pitts
1011 CASE NO: 25-00802
12 **DECLARATION OF MAILING**
13 **CERTIFICATE OF SERVICE**
14 Chapter: 13
1516 On 4/8/2025, I did cause a copy of the following documents, described below,
17 Notice and Amended Chapter 13 Plan
1819 to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with
20 sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and
21 incorporated as if fully set forth herein.
2223 I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.
24 com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to
25 Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if
26 fully set forth herein.
2728 Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been
29 served electronically with the documents described herein per the ECF/PACER system.
30

31 DATED: 4/8/2025

32 /s/ Thomas C. Rollins, Jr.
33 Thomas C. Rollins, Jr.34 The Rollins Law Firm
35 702 West Pine St
36 Hattiesburg, MS 39401
37 601 500 5533
38 trollins@therollinsfirm.com
39

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3 **UNITED STATES BANKRUPTCY COURT**
4 **SOUTHERN DISTRICT OF MISSISSIPPI**
56 IN RE:
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8 Mark Phillips Pitts6 CASE NO: 25-00802
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89 **CERTIFICATE OF SERVICE**
10 **DECLARATION OF MAILING**
1112 Chapter: 13
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On 4/8/2025, a copy of the following documents, described below,

Notice and Amended Chapter 13 Plan

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 4/8/2025

24
25 Miles Wood
26 BK Attorney Services, LLC
27 d/b/a certificateofservice.com, for
28 Thomas C. Rollins, Jr.
 The Rollins Law Firm
 702 West Pine St
 Hattiesburg, MS 39401

USPS FIRST CLASS MAILING RECIPIENTS:

Parties with names struck through or labeled CM/ECF SERVICE were not served via First Class USPS Mail Service.

FIRST CLASS

NAVY FEDERAL CREDIT UNION
C/O PRESIDENT/CEO
820 FOLLIN LANE SE
VIENNA VA 22180

FIRST CLASS

NAVY FEDERAL CREDIT UNION
ATTN: BANKRUPTCY
PO BOX 3302
MERRIFIELD VA 22119